

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GRETCHEN S. STUART, M.D., et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION
)	
RALPH C. LOOMIS, M.D., et al.,)	Case No. 1:11-cv-00804
)	
Defendants.)	

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56(a), Plaintiffs hereby move this Court for summary judgment as to all of Plaintiffs' claims. Plaintiffs are entitled to a permanent injunction enjoining enforcement of Section 90-21.85 of North Carolina Sessions Law 2011-405 (House Bill 854 or "the Act") for the reasons set forth in the accompanying Memorandum of Law and the Declarations of Andrew Beck, James Dingfelder, M.D., Serina E. Floyd M.D., M.S.P.H., Carolyn Jones, Anne Drapkin Lysterly, M.D., M.A., Carol Getker Shores, M.D., PH.D., F.A.C.S., Nada Stotland, M.D., M.P.H., Gretchen S. Stuart, M.D., M.P.H. & T.M., and Amy Weil, M.D.

WHEREFORE, Plaintiffs respectfully request that this Court issue an order granting a permanent injunction as to Section 90-21.85 of the Act and adopting saving constructions of the other challenged portions of the Act as described in Plaintiffs' Memorandum of Law in Support of Their Motion for Summary Judgment.

Dated: October 3, 2012

Respectfully submitted,

/s/ Christopher Brook

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*By Special Appearance

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2012, I filed the foregoing
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT electronically with the Clerk
of the Court using the CM/ECF system, which will send notification of such filing to all
counsel of record.

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